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20 *Limited Partnership and Resource Recovery*  
21 *Corporation*

22 **UNITED STATES DISTRICT COURT**  
23 **DISTRICT OF ARIZONA**

24 CWT CANADA II LIMITED  
25 PARTNERSHIP, an Ontario, Canada  
26 Limited Partnership; and RESOURCE  
27 RECOVERY CORPORATION, a Delaware  
28 Corporation,

Plaintiffs,

v.

ELIZABETH J. DANZIK, an individual; and  
DEJA II, LLC, an Arizona Limited Liability  
Company

Defendants.

And related claims.

Case Nos.: 2:16-cv-00607-PHX-DGC  
2:16-cv-02577-PHX-DGC

**CWT PARTIES' UNOPPOSED**  
**MOTION TO CONTINUE TRIAL**

**Oral Argument Requested**

**(First Request)**

1 Plaintiffs CWT Canada II Limited Partnership and Resource Recovery Corporation  
2 (collectively, the “CWT Parties”) file this unopposed motion to continue the trial in this  
3 action to later in 2019, subject to this Court’s availability. This motion is supported by the  
4 following memorandum of points and authorities. Defendants’ counsel have stated that  
5 they do not oppose this motion.  
6

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 On February 4, 2019, this Court scheduled trial in this matter to begin on August 6,  
9 2019, and continue for a total of eight days on August 6-9 and 13-16, 2019. Dkt. No. 180  
10 ¶¶ 1-2.

11 We recently learned, however, that the principal of Plaintiff CWT Canada II  
12 Limited Partnership, Jean Noelting, will be on a business trip in Asia during the time this  
13 trial is scheduled. This trip was planned well before the trial was scheduled, and it would  
14 be a significant hardship to Mr. Noelting for the trip to be rescheduled (if it even could  
15 be). We did not know about this scheduling conflict when the Court scheduled this case  
16 for trial.  
17

18 We expect Mr. Noelting to be called as a witness by some or all the parties at trial,  
19 and his absence at trial would prejudice the CWT Parties.

20 While we know the Court’s schedule is extremely busy, we respectfully request  
21 that the Court continue this trial to accommodate Mr. Noelting. Plaintiffs and their  
22 counsel are available for trial any time after Labor Day (counsel has vacation plans at the  
23 end of August) through December 20, 2019, with the exception of September 9-25 (when  
24 counsel has other trials and professional obligations scheduled), September 30 and  
25 October 1 (Jewish holiday of Rosh Hashanah), October 8 and 9 (Jewish holiday of Yom  
26 Kippur), and October 13-20 (Jewish holiday of Sukkot).

27 This is the CWT Parties’ first (and will be their only) request for a continuance of  
28

1 this trial. And Defendants' counsel have stated that they do not oppose this motion.  
2

3 **CONCLUSION**

4 We respectfully ask this Court to continue the trial in this action to any time after  
5 Labor Day through December 20, 2019—with the exception of September 9-25 or 30, or  
6 October 1, 8-9, or 13-20—and to continue the outstanding pretrial deadlines (including the  
7 final pretrial conference and deadlines for the Proposed Final Pretrial Order, motions *in*  
8 *limine*, and the other pretrial filings in paragraph ten of the Court's February 4, 2019 order  
9 (Dkt. No. 180)) accordingly.  
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1 Dated: June 5, 2019  
2 Phoenix, Arizona

3 Respectfully submitted,

4 **RYAN RAPP & UNDERWOOD, P.L.C.**

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**ORIGINAL** e-filed and **COPIES**  
e-mailed this 5th day of June, 2019 as  
follows:

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